

Soldiers

Online



CRACKING DOWN ON DEADBEATS

Story by Heike Hasenauer

DEADBEAT dads. The words alone conjure up distasteful images of spineless men who callously shirk their responsibility to support their own children, financially and otherwise.

The people most affected — 99 percent of the time women who are granted custody of children in divorce cases — no longer have to wait patiently for consistent offenders to finally pay up.

In recent years, options for taking action have increased dramatically.

In Massachusetts, the Department of Revenue sends birthday cards to its deadbeats, reminding them that their child's birthday is approaching and asking them to mark it by paying what they owe.

"Birthdays can be very special times, especially for children. And the absence of your support is most certainly felt," the cards read.

In Illinois, the "Deadbeats Don't Drive" law targets parents who are more than three months behind in payments. According to an article by Dave McKinney of the Sun-Times newspaper's Springfield bureau, the

law resulted in 806 license suspensions in 1998, two years after it went into effect.

According to McKinney, another law enables judges and circuit court clerks in the state to publish the names of deadbeat parents who owe more than \$10,000.

Search for "deadbeat" today on the worldwide web and you'll access countless sites that publish not only the names of deadbeats, but their photos and histories as well. Even the U.S. Postal Service is working with state enforcement officials to display "wanted" lists of parents who owe child support.

John Meixell, an attorney advisor in the Army's Legal Assistance Policy Division at the Pentagon, said men in the military who consistently fail to make payments are often those who have never been penalized for not paying.

That's largely because the women affected are often civilians who are unfamiliar with military support services. "They simply don't know where they can turn for help when payments don't arrive," Meixell said.

Dianna Hawkins was one of those women. For years she struggled to

raise a child on her own. The father of her 9-year-old son, Gage, left the Army soon after Gage was born. His recent re-enlistment provided the break that turned her life around, she said.

The soldier, now stationed in Germany, hadn't supported Gage in seven years. "The boy, who has attention deficit disorder, must attend a private school," Hawkins said. "Our situation has been dire for many years.

"One thing I've learned is that there are hundreds of places to go for help," Hawkins said. "Some will take your money and leave you with little hope. Others will eagerly work to get results. The office of the Army's judge advocate general is among the latter.

"The quality of my son's life will dramatically improve because of the support the JAG office at the Pentagon helped me secure," Hawkins said.

LTC Daniel Shaver, command judge advocate at the U.S. Army Community and Family Support Center in Alexandria, Va., echoed

AT DADS

Hawkins' sentiments.

"Judging from communications I have with my counterparts in the civilian sector, I think the Army takes the problem of nonsupport more seriously. Our laws supplement existing state laws to enforce the courts' child-support awards and penalize soldiers who fail to support their dependents," he said.

Army Regulation 608-99, "Family Support, Child Custody and Paternity," imposes the general requirement on all soldiers to maintain support for family members and spouses, Shaver said. Only a court order or signed separation agreement to waive financial obligation can legally justify nonsupport.

"If a commander receives credible information that a soldier isn't supporting his spouse and children, the commander must conduct a prompt inquiry. If he determines that an allegation of nonsupport is true, he must take action," Shaver said.

The commander will inform the soldier of the requirement to support the spouse and child, and that the Army can enforce a court order directing soldiers to do so under Article 92 of the Uniformed Code of

Military Justice.

Meixell has seen cases involving offenders who owed as much as \$20,000. "Often, young folks who don't pay child support are financially strapped. Some of them have to request advance pay from the government in order to complete a PCS move, for example," he said. "Then, as soon as they arrive at their new locations, they have to reimburse the government." Payment of other financial obligations can slip as a result.

While such a situation doesn't excuse a parent from paying child support, it does illustrate the fact that mitigating circumstances sometimes interfere with otherwise honorable intentions.

Across America, more than 4.2 million households depend on child support, according to statistics published by the Office of Child Support Enforcement in Washington, D.C.

And while the Army doesn't maintain statistics on the number of its deadbeat dads, "failure to pay child support is a very real problem in the Army, based on phone calls and letters I've received," Meixell said. About 500 inquiries about delinquent child-support payments come through his office annually. "And there are probably many more that don't come to my attention.

"The Army has a very young population, and a very mobile one," Meixell added. "So it's sometimes more difficult for the custodial parent and law-enforcement officials to track down soldiers who don't pay."

Nationally, about one-third of all child-support cases involve parents living in different states, a recent OCSE report indicates.

President Bill Clinton took a tough stand against deadbeats who cross state lines to avoid paying for their children. When he introduced new child support enforcement legislation, it resulted in the Deadbeat Parents Punishment Act of 1998. The act

calls for "tougher penalties for parents who repeatedly fail to support children living in another state or who flee across state lines to avoid supporting them."

And the "National Directory of New Hires," created as part of a 1996 welfare-reform law, helps track parents across state lines and withhold their wages by enabling child-support officials to match records of delinquent parents with wage records from throughout the nation.





In the Army, as in the civilian community, support issues typically arise in two distinct cases: when a family unit disintegrates and a member of the household simply walks out or the couple agrees to divorce; or a man fathers a child but walks away from responsibility, Meixell said. In the latter case, the woman has to prove paternity to receive financial support from the father.

"Paternity cases are difficult," Meixell said, "because a man has no obligation to support the child until he's ordered to do so by the court. The court can order him to have a blood test to prove paternity, but it's difficult to do if the man is a soldier overseas."

"That's because the military can't serve process, which is a judicial function exclusive to the nation-state," Meixell said. "In Germany, for example, documents would have to be translated into German and then served on the soldier by German government officials."

As an intermediary working with the custodial parent, child-support enforcement officials and the soldier's command, Meixell has worked with people in various situations who sought support.

One individual signed a consent order on paternity, acknowledging he fathered a child and agreeing to make child-support payments of \$25 a week. At the time, he was an unemployed

high school student, Meixell said. He later joined the Army and was sent to Korea.

The mother of his child contacted Meixell to report he had never paid child support. "I forwarded a support order to his commander, and state authorities issued an order for the soldier's arrest — not knowing he was overseas at the time," Meixell said.

When his commander in Korea learned about the situation, he worked with the soldier.

And the soldier made arrangements for an allotment to be sent to the woman and child each month. The state dropped the arrest order, and the soldier remains on active duty.

In another case, a soldier fathered a child out of wedlock a decade ago, Meixell said. Paternity was never determined, nor was there ever a support order. Nonetheless, the woman contacted Meixell to find out how she could get the father's support.

"We contacted the soldier's command. Officials there counseled him, and he acknowledged his responsibility as the child's father. Today, he's married and has other children but is supporting the child, who's now 10 years old."

The bottom line is "supporting your family is just the right thing to do," Meixell said.

Soldiers might think they can simply turn their backs and walk away. But they should consider that flagrant disregard of an order to pay child support and alimony doesn't only diminish you as a human being, it can result in severe penalties, including confinement at hard labor for two years, dishonorable discharge from the Army, reduction in rank and forfeiture of all pay and allowances, Meixell said.

Every state has its own mechanisms to enforce court-ordered child-support payments, added Shaver.

"And if a court tells the Defense Finance and Accounting Service to garnish a soldier's pay, DFAS's Garnishment Operations Center in Cleveland, Ohio, will probably not ignore such an order."

Information about wage garnishment can be found at DFAS's Cleveland Center website at www.dfas.mil/. For more information contact your installation's Legal Assistance Office or Family Advocacy Program manager.

"We encourage people who need help to go through their military chain of command and the county court system where they reside," said Vicki LaFollette, FAP manager at Fort Belvoir, Va. Individuals must go through domestic relations court to petition for custody and child support.

"Often people will tell us: 'I don't want to go through the civilian court system. I don't want to get him in trouble,'" LaFollette said. "They think it's a bad thing. But it isn't." What could be more important than providing the best possible quality of life for your child? □



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